

File 5 049 0053

CC Lynn

Wilshire Consulting Group, LLC
5040 Acoma Street
Denver, Colorado 80216
(303) 324-7623 Office – (303) 295-1256 (F)

FAX COVER SHEET

TO: Lynn Kunzler
COMPANY: Utah Division of Oil, Gas and Mining
PHONE #: 801-538-5310
FAX #: 801-359-3940
FROM: Vern Tharp
SUBJECT: Carter Foreclosure
DATE: 11 Sep 07
OF PAGES (Including this cover sheet): 5

Lynn and Daron,

Enclosed is the TRUSTEE'S DEED UPON SALE for the properties formally owned by Matt Carter.

This fax is intended to formally request that your organization move to call on the bonds for both Matt Carter and BJN to reclaim these properties.

Important faxes related to this request are:

- 1. Matt Carter no longer owns this property;**
- 2. Matt Carter & BJN have not operated this site for 9 months;**
- 3. This property is not zoned for mining; and**
- 4. The property owner wishes to prepare the property for a quick sale.**
- 5. BJN's efforts to reclaim and re-seed have failed and are now interfering with our efforts to sell the property.**

Best Regards,

Vern Tharp

RECEIVED

SEP 11 2007

DIV. OF OIL, GAS & MINING

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RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2007 Aug 31 10:34 am FEE 17.00 BY CS
RECORDED FOR TITLE WEST TITLE COMPANY
ELECTRONICALLY RECORDED

WHEN RECORDED RETURN TO:

Wilshire Consulting Group, LLC
5040 Acoma Street
Denver, Colorado 80216
Attn: Vern Tharp

Send Tax Notices to:

Wilshire Consulting Group, LLC
5040 Acoma Street
Denver, Colorado 80216
Attn: Vern Tharp

TRUSTEE'S DEED UPON SALE

THIS TRUSTEE'S DEED UPON SALE is made as of August 29, 2007 between **TITLE WEST TITLE COMPANY** Trustee (hereinafter referred to as "*Trustee*"), and **WILSHIRE CONSULTING GROUP, LLC**, a Colorado limited liability company, whose address is 5040 Acoma Street, Denver, Colorado 80216 (hereinafter referred to as "*Grantee*").

WHEREAS, MATTHEW S. CARTER, as grantor and Trustor by that certain Trust Deed with Assignment of Rents (the "*Trust Deed*") dated May 24, 2005 and recorded on June 1, 2005 as Entry No. 58601:2005 of the Official Records of the County Recorder of Utah County, Utah did convey and warrant to LARRY CARSON and BILL BEIFUSS as Beneficiary and TITLE WEST TITLE COMPANY as Trustee under the Trust Deed upon the trusts expressed therein, that certain real property situated in Utah County, Utah, as later described in this Trustee's Deed Upon Sale (the "*Property*") to secure, among other obligations, payment of that certain Trust Deed Note dated May 24, 2005 and executed by MATTHEW S. CARTER (the "*Note*"), according to the terms thereof, together with other sums of money advanced and interest thereon.

WHEREAS, breach and default were made under the terms of the Trust Deed in the particulars set forth in the Notice of Default and Election to Sell, as hereinafter described, to which reference is hereby made; and

WHEREAS, Beneficiary or holder of the Note did make a declaration of default and demand for sale upon Trustee with regard to the Trust Deed, and thereafter there was filed for record on April 9, 2007 as Entry No. 51023:2007 in the Official Records of the County

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Recorder of Utah County, Utah, the Notice of Default and Election to Sell to cause Trustee to sell the Property to satisfy the obligations secured by the Trust Deed; and

WHEREAS, Trustee in consequence of said declaration of default, election, and demand for sale, and in compliance with the terms of the Trust Deed, did execute a Notice of Trustee's Sale dated July 26, 2007 stating that the Trustee, by virtue of the authority in it vested, would sell the Property at auction to the highest bidder, fixing the time and place of sale as August 29, 2007 at the hour of 11:00 a.m., at the front entrance of the Utah County District Courts Building 97 East Center Street, Orem, Utah 844057; and did cause copies of such Notice of Trustee's Sale to be posted on the property and in the Utah County Recorder's office for not less than 20 days before the date of sale therein fixed, as provided for under Section 57-1-25, Utah Code Annotated, 1953 as amended; and did cause copies of such Notice of Trustee's Sale to be published for three consecutive weeks in a newspaper having a general circulation in the County in which said real property is situated, the last publication date being more than 10 days, but not more than 30 days prior to such date of sale; and

WHEREAS, copies of the recorded Notice of Default and Election to Sell and of the Notice of Trustee's Sale were mailed, in accordance with Section 57-1-26, Utah Code Annotated, 1953 as amended, to all those parties entitled to special notice as provided for in Section 57-1-26; and

WHEREAS, all applicable statutory provisions of the State of Utah and all of the provisions of the Trust Deed have been complied with as to acts to be performed and notices to be given; and

NOW, THEREFORE, Trustee, in consideration of the premises recited and of the sum bid and paid by Grantee, the receipt of which is hereby acknowledged, and by virtue of the authority vested in Trustee by the Trust Deed, does, by these presents, GRANT AND CONVEY unto Grantee subject prior existing liens and encumbrances of record and without any covenant or warranty, express or implied, all of that certain real property situated in Utah County, Utah and more particularly described on Exhibit "A" attached hereto together with all improvements, easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures.

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Dated this 31 day of August, 2007.

TRUSTEE

TITLE WEST TITLE COMPANY

By: Glen W. Roberts
Glen W. Roberts, PresidentSTATE OF UTAH)
 : ss
COUNTY OF UTAH)The foregoing instrument was acknowledged before me this 31 day of August, 2007,
by Glen W. Roberts, President of Title West Title Company on behalf of said company.[Signature]
NOTARY PUBLICResiding at: Orem UT2/9/2011
My Commission Expires

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TW259524608

LEGAL DESCRIPTION

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EXHIBIT A**Parcel 1**

Beginning at the Northwest Corner (a brass cap with sections inscribed) of Section 12, and the Southwest Corner of Section 1, Township 11 South, Range 2 West, Salt Lake Base and Meridian, said point being the point of beginning of the following described Tract 7; North $00^{\circ}23'20''$ East, a distance of 476.53 feet; thence East, a distance of 2,033.11 feet; thence South $14^{\circ}27'20''$ West, a distance of 1,671.76 feet; thence North $89^{\circ}13'33''$ West, a distance of 113.47 feet; thence South $71^{\circ}35'07''$ West, a distance of 119.43 feet; thence North $89^{\circ}44'59''$ West, a distance of 94.94 feet; thence North $43^{\circ}33'57''$ West, a distance of 220.08 feet; thence North $37^{\circ}17'30''$ West, a distance of 188.35 feet; thence North $49^{\circ}11'06''$ West, a distance of 294.74 feet; thence North $44^{\circ}52'56''$ West, a distance of 206.37 feet; thence North $23^{\circ}19'43''$ West, a distance of 201.44 feet; thence North $56^{\circ}16'34''$ West, a distance of 236.69 feet; thence North $74^{\circ}39'43''$ West, a distance of 214.77 feet; thence South $67^{\circ}25'58''$ West, a distance of 190.91 feet; thence North $00^{\circ}20'20''$ East, a distance of 246.48 feet to the point of beginning.

Being more correctly described as follows:

Beginning at the Northwest Corner (a brass cap with sections inscribed) of Section 12, and the Southwest Corner of Section 1, Township 11 South, Range 2 West, Salt Lake Base and Meridian, said point being the point of beginning of the following described Tract 7; North $00^{\circ}23'20''$ East, a distance of 476.53 feet; thence East, a distance of 2,033.11 feet; thence South $14^{\circ}27'20''$ West, a distance of 1,686.63 feet; thence North $89^{\circ}13'33''$ West, a distance of 116.33 feet; thence South $71^{\circ}35'07''$ West, a distance of 119.43 feet; thence North $89^{\circ}44'59''$ West, a distance of 94.94 feet; thence North $43^{\circ}33'57''$ West, a distance of 220.08 feet; thence North $37^{\circ}17'30''$ West, a distance of 188.35 feet; thence North $49^{\circ}11'06''$ West, a distance of 294.74 feet; thence North $44^{\circ}52'56''$ West, a distance of 203.37 feet; thence North $23^{\circ}19'43''$ West, a distance of 201.44 feet; thence North $56^{\circ}16'34''$ West, a distance of 236.69 feet; thence North $74^{\circ}39'43''$ West, a distance of 214.77 feet; thence South $67^{\circ}25'58''$ West, a distance of 190.91 feet; thence North $00^{\circ}23'20''$ East, a distance of 246.48 feet to the point of beginning.

Together with 1 acre foot of Water Right 53-23 (a27876)

Parcel 2

Beginning at a point North $00^{\circ}23'20''$ East, a distance of 476.53 feet from the Southwest corner (a brass cap with sections inscribed) of Section 1, Township 11 South, Range 2 West, SLB;&M, said point of beginning being the Southwest corner of the following described Tract 6; continuing North $00^{\circ}23'20''$ East along said line, a distance of 872.60 feet; thence East, a distance of 2558.57 feet; thence South $00^{\circ}31'41''$ East, a distance of 872.62 feet; thence West, a distance of 2,372.53 feet to the point of beginning.

Together with 1 acre foot of Water Right 53-23 (a27876)